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*An Address Delivered Before the New York University, on the Occasion  
of the Graduation of the Woman's Law Class, March 29, 1900.*

## HAS THE STUDY OF LAW A PLACE IN A LIBERAL EDUCATION.

A few years ago a Hindoo woman of high caste came to one of our leading universities. When asked what she wished to study she looked puzzled. "I come for an education," she said. With some difficulty she was made to understand that "education" did not necessarily mean information on a definite series of subjects, and that two persons might both be well educated and yet know different things. The mental attitude of the Hindoo woman was not essentially different from the attitude of our own colleges fifty years ago. From the point of view of the college professor of 1850, a well-educated man was one who knew a certain amount of mathematics—not too much—and had acquired some knowledge of the classics. Even this conception was narrowed by the fact that "knowledge of the classics" did not imply an ability to read or converse in Latin or Greek, but an ability to quote from a few of the best known Greek and Latin authors. However much a man might know, if he had not read his

Anabasis, his Cæsar and his Horace, he was not well educated. As for the women, they were not educated at all. After they had acquired a knowledge of the three R's they were "finished" with dancing and a jargon which their parents believed to be and paid for as Parisian French.

If to have definite ideas is an advantage, our predecessors undoubtedly had that advantage. When they spoke of education, or of a well-educated person, they knew exactly what they meant. The chancellors, the provosts, and the presidents of those days were not troubled with such questions as the function of the university; the objects of education; or the objections to coeducation. No one thought of questioning the sphere of the college, the course to be pursued, or that the higher institutions of learning should exist only for men. The accepted ideas or rather axioms on these subjects had been undisputed by many generations of patient pedagogues. On the other hand, whatever superiorities the modern university may possess, certainly among them is not to be found a definite conception of the purpose of education, or of the place of the university in the community. About all we are agreed on is, that the university is more than a storehouse for classic lore, and that the old idea that a well-educated person is one who knows certain definite subjects is untenable. Few, however, of those connected with universities would be so bold as to give, off-hand, a definition of a well-educated man or woman, while it would be perhaps difficult to find two persons who could agree, even after consideration, on exactly the same definition.

It is therefore with considerable misgiving that I make any suggestions in regard to what should be considered necessary to constitute a well-educated person; and the function of a university as an educational institution. I should not have the boldness to express my own ideas on these subjects, if I were not obliged to do so in order to make clear my attitude towards the question which I have set myself to answer.

Suppose we have before us a young child whom we desire to educate, or better, whom we desire to help educate itself. There are at least four classes of things that we can do. We can increase the child's store of facts and ideas; we can

assist the development of its sense of perception ; we can surround the child with influences which will tend to mold into its being traits of character ; or we can train the brain to grapple with intellectual problems, and the hand with physical ones. These things are not mutually exclusive. While we are training the sense perceptions we can also increase the child's store of facts, affect the character, train the brain and hand. Indeed, if we confine ourselves to one class of effort one may well ask : can we produce the well-educated man or woman ? Take one who has a large stock of facts but nothing more ; one, for instance, who knows the facts of history, but cannot use his knowledge to throw light on a single question of race development ; one who knows the population of each of the great cities of the world, and has statistics of trade commerce at his finger ends, but cannot think intelligently on any municipal or commercial question ; one who knows all about music, but cannot enjoy it. I think we would all agree that such a person is not well educated. Let us take another example, where the educational effort has been in another direction. I know a man who can appreciate natural beauty and good literature ; who can enjoy good music and good painting. He is not an author, he has not any thought-out opinions, on art or literature, and can neither play nor draw. In fact, he does nothing and his thoughts amount to nothing. You have all met my friend or his counterpart. Do you consider him a well-educated person ? Again, we may take another example, of a different kind of onesidedness. A few years ago a certain pedagogical freak started a school for boys. There were no regular studies. A parent who had sent his son to this school for three years thus described the result : " The boy is honest and truthful and has lots of intellectual curiosity, but he has learned nothing." What he meant was that his son had no connected ideas or facts in his mind. The school has ceased to exist. Personally I do not regret this fact. The teacher might have done worse and have been less blamed, but I do not think he was educating those under his care. A consideration of such examples as these will perhaps lead most of us to agree, that if we confine ourselves to one of the classes of educational

effort which I have mentioned we cannot produce a well-educated person in any proper sense of the term, and that to be well educated we must at least have a knowledge of facts, a power to enjoy the beautiful in some form or other, and a certain desire for knowledge, with a certain ability to grapple intellectually with some class of problems.

Suppose we agree on the necessity for development along all four of the lines mentioned, the next question I want to suggest to you is this: If you find one so developed have you necessarily found a well-educated person? Let us test the answer to this question by two examples. I understand that not long ago there was at a university a widely known astronomer. He knew many facts about the heavens and had solved more than one disputed point in relation to the character of heavenly bodies, his senses were keenly alive to their beauty and he had a thirst for knowledge, but his letters were always carefully corrected by his secretary, because, otherwise they might not have been free from faults of grammar, and would certainly have been full of errors in spelling. That he was a learned man none doubted. Many called him uneducated.

Turning from the extraordinary, let us take a case, not essentially different, but so common in the world of universities that most of us have doubtless met more than one example: the man who knows one thing thoroughly but nothing of the life going on around him; the man learned in Assyrian but ignorant of the history of his own state, or the political questions of his time; the learned scientist to whom all literature is a sealed book; or the authority on Greek roots who cannot tell a dynamo from a steam engine. What makes us hesitate, while admitting the learning of such men, to call them well educated? They know many facts, have sense perception, ideas, and ability to cope with one class of problems at least. They can do something. Is it not that in our conception of good education, there is the idea of a certain range in the facts known, in ideas, and even in intellectual ability? The specialist may be a learned man and a useful man, but if he is a specialist and nothing more we may doubt his title to be called well educated, and though it is one of the

objects of our universities to produce specialists, if they produce specialists and nothing else they are not fulfilling their function in our educational system.

Education, therefore, contains the idea of breadth as well as the idea of a simultaneous development of knowledge sense perception and power. Having arrived thus far we may again ask ourselves: Is there any other element necessary to the definition? Must we know any particular set of facts, or must we develop the power of enjoyment in any particular direction; must we have any particular individual or moral qualities, in order to have the right to consider ourselves well-educated persons? Our predecessors, as has been pointed out, would have answered this question in the affirmative: "A man," they would say, "to be well educated must know the classics; he must enjoy literature." I do not know of any particular traits of character which were regarded as essential. At present the question usually would be answered in the negative. It is true that if we ask a college professor he might mention his own specialty as essential to all well-educated persons, prefixing one more subject for the sake of appearances. And indeed if we take as a guide the prescribed studies in the course for the Bachelor of Arts degree in our leading universities and colleges, we shall find that many apparently still regard just enough Latin to use up considerable enthusiasm for education, though not enough to give any real mastery over the subject, as essential to a liberal education. Logic too is still often found among the list of essentials, as is also Philosophy, though it now looks as though Political Science were about to take the place on the list formerly occupied by the science of Berkeley and Kant. On the whole, however, the general tendency is, I believe, toward the course for the Bachelor of Arts degree, entirely elective. This means that there is a tendency to cease to consider only one subject as, under all circumstances, essential to the well-educated man or woman.

While I have thrown intentionally some slight ridicule on those who still hold that Latin or Logic, or work in Political Science, or indeed in any given subject is essential to produce the educated person, I have done so solely because I desire to

combat that which I believe is the opposite, and to-day much more popular error; namely, that to you and I as individuals there is nothing which is essential in order that we may regard ourselves as well-educated persons. There is a wide difference between the assertion that all persons to be well-educated must pursue particular studies, and the assertion that to each individual certain studies may be necessary before that individual can consider himself or herself well educated. Admit for a moment that the old idea that certain definite things are essential to an education is no longer tenable, there still remains the question: Is there anything essential to my education?

Perhaps I can best make clear the reason for the answer indicated to this question by again suggesting two examples. John Smith is a college graduate, he is more or less familiar with the best literature, he reads at least one foreign language, knows something of history, has at one time read the constitution of the United States, has ideas, and is by no means averse to acquiring certain kinds of information. You say at once: "A typical college graduate, a well-educated man." But there are other elements in the picture. John Smith is the possessor of a place in the country where he expects to spend his summers; he owns a house in town, and he has also every prospect of inheriting the shipping business on which his father's wealth depends. He is absolutely ignorant of nature, he cannot tell one tree from another. When he walks through his fields the leaves and flowers have no story to tell him. As a resident of the city he is again ignorant of the things around him. For the problems of its complex life he has no solution. He does not know there are problems. Of the municipal laws which affect his property he knows little, and of the international trade on which the business he is to inherit depends—nothing. Is he a well-educated man? Many would still call him so, but is there not something radically wrong in a conception of education which permits him to pass as such? Take another example. Miss A is a graduate of a university. She is widely read, and is besides a good chemist. In some situations she is an educated woman. She chooses to marry, and, having done so, neglects to inform herself concern-

ing the conduct of a house or the upbringing of a family. Has she not forfeited the right to be called a well-educated person? She may be informed on many things, but has she not lost the fundamental educational instinct of the little child which leads it to examine with care the things which its hands touch? I do not know whether the two examples I have given have made my meaning clear. But the point of view that I am trying to impress upon you is this: That to each one of us there is a knowledge which is essential to our education—this is a knowledge of the things which touch our life; that the right to regard ourselves as well-educated persons may be lost, if, thrown in a new situation, we do not instantly seek to inform ourselves concerning the new things with which the change has brought us into contact.

I am aware that the statement that only those things are essential to our education which lead us to know that with which we come in contact, is liable to be misunderstood. Because we may believe that those who are learned in many things but know not those things which surround them, are not in any true sense well-educated persons, it does not follow that we should call every one well-educated who knows simply those things which fall within the small circle of his daily life. The farmer who knows his business, the woman who knows how to manage her home, are not because of this knowledge well educated. The breadth spoken of a moment ago is equally essential. It is our privilege to widen our surroundings, and it is one of the functions of education to accomplish this result. We can reach out and make part of our lives the economic or political questions of our day, the historical problems, or the discussions on art, science or literature. One may be interested in public questions, another in problems of trade, another in those of art, and each rightly call himself or herself well educated, provided each in reaching out to know the things outside the circle of his or her daily life, has not neglected the knowledge of those things which, so to speak, lie at their mental doors. A certain capacity to enjoy the beautiful in one or more forms, a certain range of knowledge, an ability to think on more than one class of subjects, this is essential to good education. But in all the wide range of human



knowledge there is only one class of things you must know before you can call yourselves well educated, and those are the things which touch your daily life. What these things are, how far you are deficient in their knowledge, is a question which it is the moral duty of each one of you to ask yourself, and keep asking yourself throughout your lives. For each one of us has a moral duty toward our fellows : To be, in our time and place, as far as in us lies, well-educated persons.

If this attitude toward education is correct, some at least, of the functions of the University and the character of the course for its liberal degree become clear. Nothing in the range of human knowledge or human endeavor, nothing in science, in art or in literature is beyond its scope. The university in determining its activities can draw a line, but not a circle. That is, the university may say : No one who has not a certain amount of preparatory education can matriculate with us ; but it should not say : It is not our function to give instruction on this or that branch of knowledge. Again, in prescribing its course for its liberal degree, no subject should be excluded from the list of electives, while on the other hand no one study should be required of all candidates, though each should be required to have a certain breadth or range in his electives.

Believing as I do in the principles just suggested, it will not be difficult for you to see the answer which I must give to the question I have asked : " Has the study of law a place in a liberal education ? " If all subjects have a place as electives in a liberal course, law has a place. If no one subject can be regarded as essential to the liberal education of all persons, law should not be so regarded.

In England to-day, the Roman law, and to some extent the modern civil law, that is, the private law of the Continent of Europe, is taught at both Oxford and Cambridge, and has been taught from the earliest times. The Common law was not taught in an English University, until Sir William Blackstone was elected Vinerian Professor, even to-day the instruction is, from our point of view, extremely meager. The obligations arising out of a contract between Marcus Tertullius and Lucius Aurelius are, and always have been, considered

worthy of the attention of the person of culture, but the same questions arising between Jones and Smith are too practical to be included in a liberal education. The recognized place in the liberal courses in English universities held by Roman law, and the absence even to-day of efficient instruction in the common law is due, like so many of our own educational practices and ideals, to the monastic origin of the universities. We cannot blame the monk or ecclesiastic of the middle ages, as he compared what he knew of Roman order and civilization with the rudeness and confusion of his own time, that he regarded only the things of Roman origin as worthy the serious attention of the scholar. It is, however, to the last degree extraordinary, now that it is generally recognized that perhaps the highest production of our civilization is our common law, that the study of our legal system is yet far from being recognized as a study which is worthy to be considered as having the right to a place in our system of liberal education. In America, while we have broken away from the English idea that the common law has no proper place in a university, we have followed the English universities in welcoming the Roman, while excluding the common law from our college courses. Harvard University established its law school in 1817. To-day all our universities have schools of law. On the other hand, we have excluded from our colleges the study of our own law, while readily admitting the study of the law of the ancient Roman. Our idea has been that the law is for the would-be lawyer alone, and that the man, not to speak of the woman, who sought a liberal education must not spend any time on things so intimately connected with his own life and the history of his race as the rules regulating property and contracts. To-day, however, I am glad to say we are beginning to see a change. Subjects connected with our private law are creeping into the liberal courses of our universities and colleges. This is being brought about in one of two ways. In many universities the applicant for the degree of Bachelor of Arts can elect the last year of his course in the law school. Among the principal law schools of the country which allow a student to take a combined college and law course in six years are : the Universities of Wisconsin, Michi-

gan, Iowa, Columbia and the Northwestern University in Illinois. In other universities, as in the University of Pennsylvania, elementary courses in law and legal history are being established, not only for those who on graduation intend to enter a law school, but also for those who desire to know something of those principles which regulate controversies over the ownership of property, and the interpretation of contracts and the redress of private wrongs. My own feeling is that both innovations are wise, but that the second is destined to have a far greater educational effect. To allow a man or woman in his or her senior year at college to elect the freshman year in law means that one may take a combined college and law course in six years, not that the college student who does not intend to take up law as a profession will avail himself or herself of the opportunity to learn some law. But when a university offers courses in law designed for the person who desires a liberal education, then an ever increasing number of our college students will, I believe, elect such a course. This will certainly be the case if any considerable number apply, before choosing their electives, the test which I have suggested as indicating the subjects which are essential to him or her as an educated person. There are doubtless many who will not be brought into any more intelligent touch with their surroundings through an elementary knowledge of the law. Thus, while they may elect a course in law to broaden their mental horizon they cannot regard it as an essential to their education. There is, however, hardly any single subject which touches so intimately the lives of so many of the class of persons who make up the bulk of the students of our universities. To the man or woman who looks forward to business life, or the care of property; to persons choosing professions which bring them into contact with the active affairs of life; to all who are to have contractual dealings with others, some knowledge of the law is, before they may consider themselves well educated, essential. Law has no more or less a claim to be required by all those who seek a liberal degree than Greek or philosophy. What is peculiar to law is this, that because it deals with subjects which touch the lives of a great number of persons, it is a subject which is more apt to be essential to

the proper education of the average college student than nine-tenths of the subjects which for years have not only been considered proper for a liberal education, but have held an undisputed place as required studies. I rejoice to believe that the time is not far distant when courses in elementary law such as the one you have taken will be included in the list of electives in all our colleges.